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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,995	12/20/2001	Sergio Cazzolaro	SCP-109	8530

7590 03/15/2005

Pauley Petersen Kinne & Fejer
2800 West Higgins Road Suite 365
Hoffman Estates, IL 60195

EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,995

Applicant(s)

CAZZOLARO, SERGIO

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,10 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10 and 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/04 has been entered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: pivot 11.

The language of “consisting” excludes structures not in the claim. As such, the element 11 to the pivot is not in the claim. Since that being the case, the structure is not able to function as claimed because the interconnecting structure (element 11) does not exist.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 10, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberto (EP884425) in view of Couse et al (2882564) and Kelsch (551166).

Gilberto (figure 1) shows a composite structure having at least two coupled structures (2) having a plurality of pairs of scissors-connected tubular elements (4) having extremities hinged in universal joints, the joints being integral delimited by substantially equal and parallel faces and forming four seats (5), each of the four seats in correspondence with a side face to accept hinged elements, the at least two coupled structures when superimposed forming a fifth seat in which is fixed an extremity of an extendible telescopic tubular element (3) whose other extremity is fixed to an opposed universal joint, matching faces of the universal joints of the joined structures including at least one suitable perforation (the fifth hole) for housing a pivot(9, 10) that prevents any horizontal movement of the joints.

Gilberto does not show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a C-sectioned fixing element including two folded and inverted edges, the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints to snap the C-sectioned fixing element to the two matching joints, the C-sectioned fixing element including a substantially rectangular sheet of flexible material, the element being applied only over each external side face of the joints that are on an external surface of the structure, each of the two

Art Unit: 3637

folded and inverted edges of the C-sectioned fixing element snaps into a groove of one of two oppositely facing larger faces of two matched universal joints.

Couse et al (figure 3) shows a C-sectioned fixing element (44) hold united two matching joints from two coupled structures, the joints each having a groove (33) along each side of a larger face proximate to and parallel to corresponding edge of each said side, the element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges (the rounded edges at the end of the sheet constitutes the opposite folded and inverted edges), the edges mating those of the grooves on the joint, the element cover the external face of the joints.

Kelsch shows a fixing element (k3) joining together two elements, the fixing element being having protrusions extending into grooves of large surfaces with the grooves extending in the opposite direction.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto to show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a C-sectioned fixing element including two folded and inverted edges, the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints to snap the C-sectioned fixing element to the two matching joints, the C-sectioned fixing element including a

Art Unit: 3637

substantially rectangular sheet of flexible material, the element being applied only over each external side face of the joints that are on an external surface of the structure, each of the two folded and inverted edges of the C-sectioned fixing element snaps into a groove of one of two oppositely facing larger faces of two matched universal joints because having a fixing element attaching to grooves of elements which extend in the opposite direction would ensure the secure holding together of the elements together as taught by Kelsch, and having the fixing elements being C-sections would ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling as taught by Couse et al, and an additional benefit of attaching the structures together with the C-shape taught by Couse et al is the easy snap fastening of parts together.

Per claims 6, 14-17, 21, Gilberto as modified by Couse et al and Kelsch shows all the claimed limitations except for the C-section forming cut-outs corresponding to the seats for the hinged extended elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto's modified structure to show the C-section forming cut-outs corresponding to the seats because the cut-out would allow movement and relocation of the hinged extended elements.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberto (EP884425) in view of Couse et al (2882564) and Kelsch (551166).

Gilberto (figure 1) shows a composite structure having at least two coupled structures (2), each of the coupled structures comprising a plurality of pairs of scissors-connected tubular elements (4) having extremities hinged in universal joints, the joints being integral delimited by

Art Unit: 3637

substantially equal and parallel faces and forming four seats (5), each of the four seats in correspondence with a side face to accept hinged elements.

Gilberto does not show the structure having improvement consisting of joints each forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a plurality of C-sectioned fixing element including two folded and inverted edges, each of the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints to snap the C-sectioned fixing element to the two matching joints.

Couse et al (figure 3) shows a C-sectioned fixing element (44) hold united two matching joints from two coupled structures, the joints each having a groove (33) along each side of a larger face proximate to and parallel to corresponding edge of each said side, the element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges (the rounded edges at the end of the sheet constitutes the opposite folded and inverted edges), the edges mating those of the grooves on the joint, the element cover the external face of the joints.

Kelsch shows a fixing element (k3) joining together two elements, the fixing element being having protrusions extending into grooves of large surfaces with the grooves extending in the opposite direction.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto to show the structure having improvement consisting of joints each forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a plurality of C-sectioned fixing element including two folded and inverted edges, each of the C-sectioned fixing element holding united two matching universal joints such that the larger face of one of the two matching joints being disposed in a direction opposite the larger face of the other of the two matching joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints to snap the C-sectioned fixing element to the two matching joints because having a fixing element attaching to grooves of elements which extend in the opposite direction would ensure the secure holding together of the elements together as taught by Kelsch, and having the fixing elements being C-sections would ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling as taught by Couse et al, and an additional benefit of attaching the structures together with the C-shape taught by Couse et al is the easy snap fastening of parts together.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5-7,10,12-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

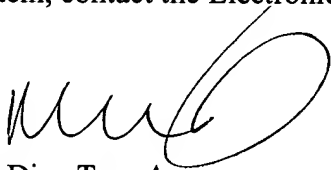
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different fastening means.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136, or 571-272-6864 only after April 07, 2005. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

3/9/05